

HOUSE BILL 490

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F1

2003 Regular Session
(3r1141)

ENROLLED BILL

-- Ways and Means/Education, Health, and Environmental Affairs --

Introduced by **Delegate Frush**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Education - Juvenile Justice Alternative Education Pilot Program**

3 FOR the purpose of requiring the Department of Education to oversee the juvenile
4 justice alternative education pilot program; requiring the State Board of
5 Education ~~to enter into a partnership with a Juvenile Justice Advisory Board~~
6 ~~Alternative Education Pilot Program Board of Directors~~ to organize a certain
7 program *with the advice of the Juvenile Justice Alternative Education Program*
8 *Advisory Board*; providing for the composition of the Juvenile Justice ~~Advisory~~
9 ~~Board Alternative Education Pilot Program Board of Directors Program~~
10 *Advisory Board*; requiring the Juvenile Justice ~~Advisory Board Alternative~~
11 ~~Education Pilot Program Board of Directors~~ with the State Board to select a
12 private agency to administer a certain program *with the advice of the Juvenile*
13 *Justice Alternative Education Program Advisory Board*; providing that a certain
14 program may be held in a certain facility; ~~providing that a student required to~~
15 ~~attend a certain program who fails to attend is deemed delinquent~~; providing
16 that students attending a certain program receive courses focusing in certain
17 areas; requiring each county board to consider course credit earned by certain

1 students attending a certain program as credit earned in a county school;
 2 requiring a county board to pay certain funds to a certain program; providing
 3 that certain funds shall not revert to the General Fund and shall remain
 4 available for a certain purpose; altering the dates for certain reports to be
 5 submitted by the State Board of Education; repealing the termination date of
 6 certain provisions of law establishing the juvenile justice alternative education
 7 pilot program; providing for a delayed effective date for certain provisions of this
 8 Act; and generally relating to the juvenile justice alternative education pilot
 9 program.

10 BY repealing and reenacting, with amendments,
 11 Chapter 685 of the Acts of the General Assembly of 2001
 12 Section 2 and 3

13 BY repealing and reenacting, with amendments,
 14 Article - Education
 15 Section 7-305.1
 16 Annotated Code of Maryland
 17 (2001 Replacement Volume and 2002 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 19 MARYLAND, That the Laws of Maryland read as follows:

20 **Chapter 685 of the Acts of the General Assembly of 2001**

21 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before [August 1]
 22 DECEMBER 31 of each year, the State Board of Education shall report to the Governor
 23 and, subject to § 2-1246 of the State Government Article, to the General Assembly on
 24 the implementation of this Act.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 26 July 1, 2001. [It shall remain effective for a period of 4 years and, at the end of June
 27 30, 2005, with no further action required by the General Assembly, this Act shall be
 28 abrogated and of no further force and effect.]

29 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 30 read as follows:

31 **Article - Education**

32 7-305.1.

33 (a) The State Board shall establish in a county designated by the State
 34 Superintendent a juvenile justice alternative education ~~pilot~~ program for public
 35 school students who are suspended, expelled, or identified as being candidates for
 36 suspension or expulsion as provided in subsection ~~(d)~~ (F) of this section.

1 (b) The Department [or the county board for the county designated under
 2 subsection (a) of this section may enter into a partnership with the county's circuit
 3 court judges to] SHALL oversee the juvenile justice disciplinary alternative education
 4 ~~pilot~~ program for public school students who are:

5 (1) [suspended] SUSPENDED, expelled, or identified as being candidates
 6 for suspension or expulsion; ~~AND OR~~

7 (2) ORDERED TO ATTEND AS A CONDITION OF PROBATION BY THE
 8 JUVENILE COURT.

9 (c) (1) WITH THE ADVICE OF THE JUVENILE JUSTICE ALTERNATIVE
 10 EDUCATION PROGRAM ADVISORY BOARD, THE STATE BOARD SHALL ~~ENTER INTO A~~
 11 ~~PARTNERSHIP WITH A JUVENILE JUSTICE ADVISORY BOARD ALTERNATIVE~~
 12 ~~EDUCATION PILOT PROGRAM BOARD OF DIRECTORS~~ TO ORGANIZE AND RUN THE
 13 JUVENILE JUSTICE ALTERNATIVE EDUCATION ~~PILOT~~ PROGRAM.

14 (2) ~~A THE JUVENILE JUSTICE ADVISORY BOARD ALTERNATIVE~~
 15 EDUCATION PILOT PROGRAM ADVISORY BOARD OF DIRECTORS SHALL BE COMPOSED
 16 OF:

17 (I) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY
 18 THE PRESIDENT OF THE SENATE;

19 (II) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY
 20 THE SPEAKER OF THE HOUSE;

21 (III) ONE OF THE COUNTY'S CIRCUIT COURT JUDGES; ~~AND~~

22 (IV) THE COUNTY EXECUTIVE OR THE COUNTY EXECUTIVE'S
 23 DESIGNEE;

24 (V) THE SECRETARY OF THE DEPARTMENT OF JUVENILE JUSTICE
 25 OR THE SECRETARY'S DESIGNEE; AND

26 (VI) ONE MEMBER WHO IS A RESIDENT OF THE COUNTY AND THE
 27 COMMUNITY IN WHICH THE ALTERNATIVE EDUCATION PILOT PROGRAM IS LOCATED,
 28 APPOINTED BY THE COUNTY EXECUTIVE.

29 (D) (1) ~~The~~ WITH THE ADVICE OF THE JUVENILE JUSTICE ALTERNATIVE
 30 EDUCATION PROGRAM ADVISORY BOARD, THE State Board ~~AND THE JUVENILE~~
 31 ~~JUSTICE ADVISORY BOARD ALTERNATIVE EDUCATION PILOT PROGRAM BOARD OF~~
 32 ~~DIRECTORS~~ [may] SHALL select a private agency to administer the juvenile justice
 33 alternative education ~~pilot~~ program.

34 (2) The selected private agency shall:

35 (i) Provide proof of student progress in reading and mathematics;

36 and

1 (ii) Have at least 3 years of experience serving students that are
2 suspended, expelled, or identified as being candidates for suspension or expulsion.

3 (E) A JUVENILE JUSTICE ALTERNATIVE EDUCATION PILOT PROGRAM MAY BE
4 OPERATED IN A FACILITY OWNED AND OPERATED BY:

5 (1) A PRIVATE PARTY; OR

6 (2) A COUNTY BOARD.

7 [(d)] (F) ~~(+)~~ Except for a student who is adjudicated delinquent and
8 committed by the juvenile court to a public or licensed private agency for placement in
9 a facility under § 3-8A-19 of the Courts Article, a student who is required to attend
10 school under § 7-301 of this subtitle and who is suspended, expelled, or identified as
11 being a candidate for suspension or expulsion from a public school in the county
12 designated under subsection (a) of this section shall attend the juvenile justice
13 alternative education ~~pilot~~ program BEGINNING THE FIRST DAY OF THE STUDENT'S
14 SUSPENSION OR EXPULSION.

15 ~~(2) A STUDENT REQUIRED TO ATTEND A JUVENILE JUSTICE~~
16 ~~ALTERNATIVE EDUCATION PROGRAM WHO FAILS TO ATTEND IS DEEMED~~
17 ~~DELINQUENT AS DEFINED IN § 3-8A-01(K) OF THE COURTS ARTICLE.~~

18 [(e)] (G) The juvenile justice alternative education ~~pilot~~ program shall:

19 (1) Provide programs designed to promote self-discipline and reduce
20 disruptive behavior in the school environment;

21 (2) Ensure that the student continues to receive appropriate educational
22 and related services during the term of the suspension or expulsion INCLUDING A
23 FOCUS IN THE FOLLOWING ACADEMIC AREAS:

24 (I) ENGLISH AND LANGUAGE ARTS;

25 (II) MATHEMATICS;

26 (III) SCIENCE; AND

27 (IV) SOCIAL STUDIES; and

28 (3) Offer services to facilitate the student's transition back to the school
29 after completion of the term of suspension or expulsion.

30 (H) EACH COUNTY BOARD SHALL CONSIDER COURSE CREDIT EARNED BY A
31 STUDENT WHILE IN A JUVENILE JUSTICE ALTERNATIVE EDUCATION PILOT
32 PROGRAM AS CREDIT EARNED IN A COUNTY SCHOOL.

33 (I) THE COUNTY BOARD SHALL PAY TO THE JUVENILE JUSTICE
34 ALTERNATIVE EDUCATION PILOT PROGRAM THE BASIC CURRENT EXPENSES PER
35 PUPIL FOR EACH STUDENT TRANSFERRED TO THE JUVENILE JUSTICE ALTERNATIVE
36 EDUCATION PILOT PROGRAM FROM THE COUNTY'S SCHOOLS.

1 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, notwithstanding any
2 other provision of law, for fiscal year 2004, general funds appropriated in connection
3 with the juvenile justice alternative education pilot program that remain unexpended
4 at the end of the fiscal year shall not revert to the General Fund and shall remain
5 available for expenditure on the juvenile justice alternative education pilot program
6 in the subsequent fiscal year.

7 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act
8 shall take effect July 1, 2005.

9 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in
10 Section 4 of this Act, this Act shall take effect October 1, 2003.